

**ATTORNEY DOCKET NO.**  
**00CXT0330D/13628.0267**

**PATENT**  
**Customer ID No. 33649**

**REMARKS/ARGUMENTS**

Claims 18 through 21, 23, and 26 through 37 are pending. Claims 1 through 17, 22, 24 and 25 have been cancelled without prejudice or disclaimer. New claims 26 through 37 are herewith presented for examination. In an office action mailed June 7, 2004 (Paper no. 10), claims 1, 2, 4-6, and 11-16 were rejected under 35 U.S.C. 102(e) as being anticipated by Isono. Claims 17-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Isono in view of Sherer. These rejections are respectfully traversed.

**Rejections under 35 U.S.C. 102 and 103**

Claim 18 as amended includes a "system for receiving data comprising: a programmable pattern matching engine receiving a pattern and a data stream and generating an index entry if the pattern is present in the data stream; a programmable media access controller reading the index entry and determining whether to continue receipt of the data stream; and a CRC engine performing CRC processing of a received data frame if the programmable media access controller determines to continue receipt of the data stream." Although the Examiner asserts at page 8 of the Office Action that "a programmable media access controller is inherent in CM 9 since MAC-F/IP/TTL 31/33 filters are programmable to meet various data and addresses for the various devices on the LAN of CM 9," MPEP 2112 requires that the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. The Applicants note in this regard that the terms "program" and "programmable" are not even used in Isono, and further that the technical reason provided by the Examiner does not support the determination that the MAC-F/IP/TTL 31/33 filters must be programmable, much less that even if those filters were programmable that Isono would inherently include the "programmable media access controller" of claim 18. Simply because a device has an associated buffer in which an address can be stored for comparison with incoming data does not make the device "programmable." Furthermore, the programmable media access controller of claim 18, as defined by that claim, is one that can read an index entry that is generated if a pattern is present in a data stream and can determine whether to continue receipt of the data stream. Isono entirely

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fails to disclose any such functionality, and as such, fails to disclose the claimed programmable media access controller.

The Examiner further admits that Isono fails to explicitly teach a CRC engine that performs CRC processing. Claim 26 includes a "cable modem comprising: a programmable media access controller; a programmable pattern matching engine that is programmed by the media access controller; and a programmable CRC engine that is programmed by the media access controller." The programmable media access controller of claim 26 can program the programmable CRC engine – as Isono fails to disclose a CRC engine, any programmable media access controller of Isono, assuming *arguendo* that one is even present, would be incapable of programming something that is not even present.

Claim 31 includes a "method for receiving data comprising: determining two or more acceptable parameters for data frames that are to be received; programming at least one of the acceptable parameters into a pattern matching engine; programming at least one of the acceptable parameters into a DES/CRC engine; receiving a data frame at the communication device; parsing the data frame to obtain a predetermined portion of the data frame; comparing the predetermined portion of the data frame with at least one of the acceptable parameters stored in the pattern matching engine; and processing the data frame with the DES/CRC engine if the predetermined portion of the data frame matches at least one of the acceptable parameters." Again, as Isono fails to disclose a CRC engine, much less a DES/CRC engine, any programmable media access controller of Isono, assuming *arguendo* that one is even present, would be incapable of programming something that is not even present.

All claims not specifically addressed pend from claims that are believed to be allowable, and are allowable at least for that reason and because they add limitations not found in the prior art. Withdrawal of all rejections and allowance of the claims is respectfully requested.

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**CONCLUSION**

In view of the foregoing remarks and for various other reasons readily apparent, Applicant submits that all of the claims now present are allowable, and withdrawal of the rejection and a Notice of Allowance are courteously solicited.

If any impediment to the allowance of the claims remains after consideration of this amendment, a telephone interview with the Examiner is hereby requested by the undersigned at (214) 939-8657 so that such issues may be resolved as expeditiously as possible.

No additional fee is believed to be due. If any applicable fee or refund has been overlooked, the Commissioner is hereby authorized to charge any fee or credit any refund to the deposit account of Godwin Gruber LLP, No. 500530.

Date: September 7, 2004

Respectfully submitted,  
  
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